SUPREME COURT, U. S.

FILED
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IN THE

Supreme Court of the United States

No. 71-544

SALYER LAND COMPANY, a California Corporation,
Petitioner,

v.

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES, *Respondent,*
KINGS COUNTY DEVELOPMENT COMPANY, a California Corporation, *Real Party in Interest.*

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEAL OF THE STATE OF CALIFORNIA FOR THE SECOND APPELLATE DISTRICT

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PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEAL OF THE STATE OF CALIFORNIA FOR THE SECOND APPELLATE DISTRICT

The petitioner Salyer Land Company respectfully prays that a writ of certiorari issue to review the judgment of the Court of Appeal of the State of California for the Second Appellate District entered in this proceeding on June 25, 1971.

OPINION BELOW

No opinion was rendered by the California Court of Appeal for the Second Appellate District. No opinion was rendered by the California Supreme Court on its denial of a petition for hearing, following judgment by the Court of Appeal for the Second Appellate District.

JURISDICTION

The judgment of the California Court of Appeal for the Second Appellate District was entered on June 25, 1971. A timely petition for hearing in the California Supreme Court was denied on July 21, 1971, and this petition for certiorari was filed within 90 days of that date. This Court's jurisdiction is invoked under 28 U.S.C. Section 1257(3).

QUESTIONS PRESENTED

1. Whether a landlord may sue its tenant in a state court for a share of federal price support payments made to the tenant as a "cooperator" in the cotton program, 7 U.S.C. Section 1444, without the landload first having sought an administrative remedy in the Department of Agriculture, or whether 7 U.S.C. Section 1444(d) (10) vests in the Secretary of Agriculture exclusive and final jurisdiction to determine the sharing of price support payments.

2. Whether a landlord which is in a dispute with its tenant over the size of the landlord's federal cotton allotment, may sue in the state courts to have the size of such cotton allotment determined, or whether this is exclusively a matter for determination administratively within the Department of Agriculture and on limited appeal therefrom as provided in 7 U.S.C. Sections 1362-67.

3. Whether a landlord which is in a dispute with its tenant concerning the collection from the tenant of $1 a bale as required by 7 U.S.C. Section 2106 for cotton research, may sue the tenant in the state courts to recover such sum, or whether the remedies provided of application to the Cotton Board for a refund, 7 U.S.C. Section 2110, or petition to the Secretary of Agriculture, 7 U.S.C. Section 2111 ff., are exclusive.

STATUTORY PROVISIONS INVOLVED[1]

7 U.S.C. Section 1444(d) (10); 7 Code of Federal Regulations Section 719.2(s); 7 Code of Federal Regulations Section 780.2; 7 Code of Federal Regulations, Section 780.3; 7 Code of Federal Regulations, Section 780.4; 7 Code of Federal Regulations, Section 780.5; 7 Code of Federal Regulations, Section 780.9; 7 U.S.C. Section 1362; 7 U.S.C. Section 1363; 7 U.S.C. Section 1365; 7 U.S.C. Section 1367; 7 U.S.C. Section 2110; 7 U.S.C. Section 2111.

STATEMENT OF THE CASE

Kings County Development Company, a California corporation, real party in interest, hereinafter referred to as the landlord, owns approximately 5,000 acres of land in the dry bed of Tulare Lake in Kings County, California. In January of 1966 the property was leased to Salyer Land Company, a California corporation, petitioner, hereinafter referred to as the tenant, for a term of fifteen years. The principal cash crop in Tulare Lake is cotton, and a dispute has arisen between the landlord and the tenant respecting the

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[1] Because of the length of the statutory provisions and regulations, the text is set forth in the appendix. Rule 23(d).

federal government's cotton program. In brief, the landlord contends that it should receive a share of the federal price support payments received by the tenant, under one alternative of the lease, by adding the price support payment expressed in cents per pound to the index upon which the rental is computed or in the alternative by adding the total amount of the price support payments to the gross amount by which the tenant's share is computed. The tenant contends that the Congress vested sole jurisdiction of such a dispute in the Secretary of Agriculture—

> "(d) (10) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing diversion payments on a fair and equitable basis under this subsection. The Secretary shall provide for the sharing of price support payments among producers on the farm on the basis of their respective shares in the cotton crop produced on the farm, or the proceeds therefrom, except that in any case in which the Secretary determines that such basis would not be fair and equitable, the Secretary shall provide for such sharing on such other basis as he may determine to be fair and equitable."

and that here the Secretary would not be likely to decide that the landlord is entitled to a share of these payments because the lease provides to the contrary:

> "28. SALYER's Right to Government Payments.
>
> SALYER[1] shall be entitled to all government payments attributable to the Lands under present or future farm programs. Should any such pay-

[1] Salyer Land Company, the tenant, and petitioner here.

> ment be forwarded to KCD [2] by any governmental office or agency, the check or draft representing such payment shall be promptly endorsed by KCD and forwarded to SALYER."

The reason for this paragraph was that the tenant alone took the 12½ percent in cotton allotment effected by the 1965 farm bill, the act of November 3, 1965.

The tenant made no application to the County Committee of the Agricultural Conservation and Stabilization Service, as provided in the regulations issued by the Secretary of Agriculture to implement his Congressional responsibility to decide disputes over subsidy payments. 7 C.F.R. Sections 780.2 ff. The Department of Agriculture paid all of the price support payments to the tenant. The landlord, without any move toward administrative relief at all, filed an action against the tenant in the Superior Court of the State of California for the County of Los Angeles.

The second controversy, closely related and also involving the Government's cotton program, concerns the size of the landlord's cotton allotment. The landlord's remedy, and the proper way to have a determination of cotton allotment, is an application to the Agricultural Stabilization and Conservation Service County Committee pursuant to 7 C.F.R. Section 719 ff. If dissatisfied with the decision of the county committee, which has all the records of cotton allotments in its jurisdiction, either the landlord or the tenant could appeal to the Review Committee, 7 U.S.C. Section 1363. Either party dissatisfied with the Review

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[2] Kings County Development Co., the landlord and real party in interest.

Committee's decision might within fifteen days file a bill in equity in the United States District Court or in the state court of record where the land is located. 7 U.S.C. Section 1365. This landlord did none of these things, but repaired to the Superior Court in Los Angeles, which is not even the state court where the land is located. This was in spite of the provision of 7 U.S.C. Section 1367 that

> "No Court of the United States or of any State shall have jurisdiction to pass on the legal validity of any such determination [of allotment] except in a proceeding under this part."

The third controversy between the parties concerns the provisions of Public Law 89-502, 7 U.S.C. Sections 2101 ff., raising money for cotton research by assessing all cotton $1 a bale. The assessments were voluntary to the extent that any producer who wanted his money back had only to file a demand with the Cotton Board, and the $1 a bale had to be refunded within sixty days. 7 U.S.C. Section 2110. Further administrative and judicial relief could be had by petition with the Secretary of Agriculture, and appeal from his ruling to the United States District Court. 7 U.S.C. Section 2111. Here again the landlord filed no application for a refund, and filed no petition with the Secretary of Agriculture, but sued the tenant in the state court, alleging that the $1 a bale had been "contributions . . . without consent of plaintiff".

The tenant moved the trial court to dismiss for lack of subject matter jurisdiction, on the ground that the federal cotton program is an entity completely federal in concept and that the congress which enacted the program provided exclusive remedies to be followed. It was pointed out that several of the Congressional

enactments dealing with the federal argicultural program expressly state that no court shall have jurisdiction to adjudicate controversies thereunder other than as is expressly provided therein, 7 U.S.C. Section 1367 being an example. The Secretary of Agriculture's regulations involving disputes concerning subsidy payments, 7 C.F.R. Section 780.2, expressly provide that the ultimate determination of the Deputy Administrator shall be final. "Determinations made by the Deputy Administrator shall not be appealable by the producer or participant." [7 C.F.R. Section 780.9] In addition it is a well recognized rule in California law that failure to exhaust an administrative remedy deprives the courts of that state of jurisdiction to act. *Abelleira* v. *District Court of Appeal,* 17 Cal. 2d 280, 109 P. 2d (1941). The trial court denied the tenant's motion, and the tenant thereupon applied to the Court of Appeal of the State of California for the Second Appellate District for a writ of prohibition.

The Court of Appeal denied the tenant's application for the writ, without opinion, and the California Supreme Court declined to hear the case.

REASONS FOR GRANTING THE WRIT

1. The California State Courts Have Decided a Federal Question of Substance Not Heretofore Determined by This Court

The Supreme Court of the United States has never passed on the extent to which the administrative procedures set up by the Congress in federal farm legislation are exclusive. Several of the Circuits have expressed themselves on this point. See, e.g., *Jilka* v. *Saline County, Kansas,* 330 F. 2d 73 (10th Cir. 1964), holding that the provision in 7 U.S.C. Section 1365 for determination of the size of an allotment is "special

and exclusive . . . and failure to seek review in accordance therewith deprives the court of jurisdiction to consider the administrative action." [330 F. 2d at 74] The Fifth Circuit entertains the same view. In *Allen* v. *David,* 334 F. 2d 592, 599 (5th Cir. 1964), that Court held that,

> "The language of the [Agricultural] Act imports to us that an exclusiveness of jurisdiction and review is lodged within the framework of the administrating agency." [334 F. 2d at 599]

The text of the statutes and regulations as set forth in this petition were successively, if not successfully, drawn to the attention of the Superior Court in Los Angeles, the Court of Appeal for the Second Appellate District, and the California Supreme Court. The ambit of these statutes and regulations is as wide as the federal farm program, which is to say that their effect should be felt through the United States. But the recognition they have received from the California courts is adequate demonstration of the need for the Supreme Court of the United States to underline their existence.

This case, an action for declaratory and coercive relief filed in the California Superior Court for Los Angeles County, has as its central feature determination of the parties' rights under the federal cotton program. Act of November 3, 1965, Public Law 89-321. The landlord under an agricultural lease is claiming under one alternative by which rental is computed for this 5,000 acre ranch that cotton price support payments paid to the tenant under the Act should have been divided with the tenant. Under another alternative for computing rental the landlord seeks to realize

in effect a share of the federal price support payment, by claiming that such payment should have been added to the price index by which the rental is fixed under that alternative. Rental under neither alternative can be computed without determining the landlord's cotton allotment, for under one alternative the landlord is to share in 25 percent of the product of that allotment, and under the other alternative an annual cash rental of $200,000 is to be increased or diminished $80.19 for each acre of increase or diminish of that cotton allotment. After having agreed in the lease itself that the allotment was 1015.3 acres, the landlord now claims that it is 1055 acres; the California State Court is asked to make this determination also. To further compound the error, the landlord seeks in the California Superior Court to recover the sum of $1 a bale charged to its share of the cotton crop pursuant to 7 U.S.C., Section 2106, and which the Congress provided shall be refunded upon request to the Cotton Board, 7 U.S.C., Section 2110, or by petition to the Secretary of Agriculture, 7 U.S.C., Section 2111 ff.

Under the federal legislation concerning cotton allotments, only the Agricultural Conservation and Stabilization Service can determine them; and the only judicial remedy is that provided in 7 U.S.C., Section 1365. That remedy is exclusive:

> "No Court of the United States or of any State shall have jurisdiction to pass upon the legal validity of any such determination except in a proceeding under this part." [7 U.S.C. Section 1367]

Under the applicable federal regulations, the landlord's remedy to have his cotton allotment officially (and accurately) determined is an application to the

Agricultural Conservation and Stabilization Service County Committee, 7 Code of Federal Regulations, Section 719.1 ff., which will "reconstitute" the landlord's allotment, theretofore "combined" with the tenant's other farms as permitted by the same regulations and by paragraph 9 of the lease. The County Committee must notify "all interested owners and operators" of its action, 7 C.F.R. Section 719.5; 7 U.S.C. Section 1362. Appeal is to the Review Committee, 7 U.S.C. Section 1363, and its determination of the cotton allotment may be reviewed only by bill in equity filed in the United States District Court or in a state court sitting in the county where the land is located. 7 U.S.C., Section 1365. "Notwithstanding any other provision of law, the jurisdiction conferred by this part to review the legal validity of a determination made by a review committee pursuant to this part shall be exclusive." 7 U.S.C. Section 1367.

The landlord in this case has not gone to the County Committee. It has not gone to the Review Committee. The State Court in which it has filed its action would not be appropriate even for review, for the land is in Kings County, California, and the landlord filed its suit in Los Angeles County.

The California Superior Court is an equally inappropriate forum for the other relief the landlord seeks. The claim to a portion of the price support payments is governed by 7 U.S.C. Section 1444(d)(10):

> "The Secretary [of Agriculture] shall provide for the sharing of price support payments among producers on the farm on the basis of their respective shares in the cotton crop produced on the farm or the proceeds therefrom, except that in any case in which the Secretary determines that

> such basis would not be fair and equitable, the Secretary shall provide for such sharing on such other basis as he may determine to be fair and equitable."

The tenant was confident that the Secretary would not have required division in this case, for the lease contained the following provision:

> "SALYER's Right to Government Payments.
>
> "SALYER shall be entitled to all government payments attributable to the Lands under present or future farm programs. Should any such payment be forwarded to KCD by any governmental office or agency, the check or draft representing such payment shall be promptly endorsed by KCD and forwarded to SALYER."

As before stated, the reason for this was that the tenant absorbed the 12½ percent cut in allotment effected by the 1965 farm bill, and continued the landlord's rental based on its allotment before that cut.

The landlord's remedy, in any event, was by application to the County Committee, Agricultural Conservation and Stabilization Service, then to the State Committee, and finally to the Deputy Administrator, Department of Agriculture. See 7 C.F.R. Section 780.2 ff:

> "(a) 'County committee' and 'Deputy Administrator' shall have the meaning given to them under the regulations governing Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Acreages, Part 719 of this chapter, as amended.
>
> "(b) 'Producer or participant' shall mean any person whose right to participate or receive payments, or the amount thereof, under any of the

programs covered by these regulations, is affected by a determination of the county committee, State committee, or Deputy Administrator. * * *

"(c) 'Reviewing authority' shall mean the county committee, State committee, or Deputy Administrator, as appropriate.

"(d) 'State committee' shall have the meaning given to it under the regulations governing Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages, Part 719 of this chapter, as amended. * * *"

* * *

"Any producer or participant who is dissatisfied with any determination initially made by the county committee or office, State committee, or Deputy Administrator, may obtain a reconsideration of such determination and an informal hearing in connection therewith by filing a request for reconsideration with the county committee. * * * [7 C.F.R. Section 780.3]

"Any producer or participant who is dissatisfied with the determination of the county committee upon its reconsideration of the initial determination made by it or the county office may obtain a review of such determination by the State committee and an informal hearing in connection therewith by filing an appeal with the State committee. [7 C.F.R. Section 780.4]

". . . any producer or participant who is dissatisfied with the determination of the State committee upon reconsideration of its determination or upon appeal from a determination of the county committee may obtain a review by the Deputy Administrator of such determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator." [7 C.F.R. Section 780.5]

> "The producer or participants shall be notified in writing of the determination. Each other person affected by the determination shall be notified of the determination. Determinations made by the Deputy Administrator shall not be appealable by the producer or participants." [7 C.F.R. Section 730.9]

Despite this Congressional provision for administrative determination of any issue concerning division of cotton subsidy payments, *and for the decision of the Deputy Administrator to be final,* this landlord has repaired to the State courts, not troubling itself even initially with the procedure prescribed by Congress.

This disregard of federal statutes is manifest also in the third avenue of relief sought by the landlord, attempted recovery of a charge of $1 a bale which the tenant was required by law to exact:

> "It is . . . declared to be the policy of the congress and the purpose of this chapter that it is essential in the public interest through the exercise of the powers provided herein, to authorize and enable the establishment of an orderly procedure for the development, financing through adequate assessments on all cotton harvested in the United States and carrying out an effective and continuous coordinated program of research and promotion designed to strengthen cotton's competitive position and to maintain and expand domestic and foreign markets and uses for United States cotton. [7 U.S.C. Section 2101]

> "To effectuate the declared policy of this chapter, the Secretary [of Agriculture] shall, subject to the provisions of this chapter, issue and from time to time amend, orders applicable to persons engaged in the harvesting, marketing, ginning, or other handling of cotton, hereinafter referred to

as handlers. Such orders shall be applicable to all production or marketing areas, or both, in the United States. [7 U.S.C. Section 2102]

"The rate of assessment prescribed by the order shall be $1 per bale of cotton handled. The Secretary may maintain a suit against any person subject to the order for the collection of such assessment, and the several district courts of the United States are hereby vested with jurisdiction to entertain such suits regardless of the amount in controversy. [7 U.S.C. Section 2106]

"Any handler who willfully violates any provision of any order issued by the Secretary under this chapter, or who willfully fails or refuses to collect or remit any assessment or fee duly required of him thereunder, shall be liable to a penalty of not more than $1,000 for each offense which shall accrue to the United States and may be recovered in a civil suit brought by the United States." [7 U.S.C. Section 2112]

The incredible thing is that the landlord has sued the tenant in the State Court to get this $1 a bale back, when all in the world the landlord had to do was to demand a refund from the Cotton Board:

"Refund of producer assessments. Notwithstanding any other provision of this chapter, any cotton producer against whose cotton any assessment is made and collected from him under the authority of this chapter and who is not in favor of supporting the research and promotion program as provided for herein shall have the right to demand and receive from the Cotton Board a refund of such assessment: Provided, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary, but in no event less than ninety days, and upon submission of

> proof satisfactory to the Board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor." [7 U.S.C. Section 2110]

Nor was this all. The federal statutes provided that landlord could also have filed a written petition with the Secretary of Agriculture stating that an obligation had been imposed on it in connection with the order for an assessment of $1 a bale that was "not in accordance with law." 7 U.S.C. Section 2111 ff. There was provision for "a hearing upon such a petition, in accordance with regulations made by the Secretary." The Secretary's ruling could have been reviewed in the United States District Courts. 7 U.S.C. Section 2111(b).

2. Guidance From This Court Is Needed If the Statutes and Regulations Concerning Administrative Remedies in the Farm Program Are To Be Given Effect

The involvement of the federal government in American agriculture is very great, and implementation of the Congressional enactments and the Secretary of Agriculture's regulations respecting that involvement is of obvious importance. California is one of the leading states in the Union in terms of the cash value of its agricultural product, and California has been near the top of the states as a recipient of federal agricultural subsidies. The fact that the Superior Court in Los Angeles, the Court of Appeal for the Second District and the California Supreme Court have all failed to observe the plain provision of such a statute as 7 U.S.C. Section 1367,

> "No Court of the United States or of any state shall have jurisdiction to pass upon the legal

> validity of any such determination except in a proceeding under this part."

demonstrates that guidance from the United States Supreme Court is needed if the national objectives of the federal legislation are to be given national effect.

The position of the Fifth Circuit is in direct conflict with the position of the California State Court. In *Allen* v. *David, supra,* 334 F. 2d 592 (5th Cir. 1964), that circuit held that "the Agricultural Act is a public law, not a private law; therefore no vested rights may be obtained under it." The Court continued:

> "Since the Act and its attendant regulations do not vest in the plaintiffs any legally recognizable rights other than those specifically enumerated therein; and since administrative avenues have been carefully laid out along which an aggrieved party may travel while seeking redress, we must reason that the plaintiffs choosing not to travel the road to administrative review as provided for them, have placed before the court a controversy over which we lack the power to render a binding decision under the facts and in the circumstances here involved." [334 F. 2d at 599]

The Fifth Circuit gave another reason which would justify certiorari in the present case, and the issuance of guidelines which would be applicable nationally:

> "We do not take the position that either the Act or the regulations pursuant to the Act are simple. We regard them as complicated, lengthy and difficult." [Ibid.]

The Eighth Circuit has also held that these matters are exclusively for administrative determination and

limited judicial review under the terms of the Agricultural Act. In *Weis* v. *United States,* 310 F. 2d 149 (8th Cir. 1962), the Court stated as follows:

> "We believe that the statutes and the regulations place the initial responsibility for determining quotas and marketing excess with the County ASC Committees. The statutes and regulations previously discussed set out the exclusive means for attacking the decisions of the county committees upon such issues. If no appeal is taken from the county committee to the review board, such committee's decision is final. Section 1363. A dissatisfied farmer who has not exhausted the review board remedy cannot reach the courts. Such is the situation here." [310 F. 2d at 157]

CONCLUSION

The Congress in 7 U.S.C. Section 2101 has found that,

> "Cotton is the basic natural fibre of the Nation."
>
> * * *
>
> ". . . the Congress has provided for the comprehensive exercise of regulatory authority in regulating the handling of such cotton supplemented by price-support programs with the objective of adjusting supply to demand in the interest of benefiting producers and all others concerned with the production and handling of cotton as well as the general economy of the county."

This statute adequately demonstrates the Congressional view, which is national. The action taken by this landlord in suing in the State Courts of California is parochial. The position of the Superior Court in the County of Los Angeles, the Court of Appeal for the Second District and the California Supreme Court,

in sanctioning such litigation, is similarly parochial. If the farm legislation and regulations thereunder are to have national scope and uniform application, the writ of certiorari should issue, and the decision below should be reversed.

Respectfully submitted,

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APPENDIX

APPENDIX

Orders Below

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF LOS ANGELES #939214

KINGS COUNTY DEVELOPMENT COMPANY, etc.
v.
SALYER LAND COMPANY, a California corporation

Motion of Defendant Salyer Land Company for Order To Dismiss Complaint and for Entry of Summary Judgment

Matter, transferred from Department 66, comes on for hearing.

After argument, matter stands submitted.

LATER . . . .

Motion is denied.

Appearing counsel notified by mail this date.

September 24, 1970, Department 59

Los Angeles, Cal. June 25, 1971

TITLE { SALYER LAND CO. vs. SUPERIOR COURT L.A. CO. .

THE COURT: Petition for writ of prohibition denied.

CLAY ROBBINS, *Clerk*

CLERK'S OFFICE, SUPREME COURT
4250 STATE BUILDING
San Francisco, California 94102
July 21, 1971

DEAR SIR: I have this day filed Order .....
..... HEARING DENIED .....
.....

In re: 2 Civ. No. 38401
SALYER LAND CO.
vs.
SUPERIOR COURT, L. A. Co.

Respectfully,

G. E. BISHEL, Clerk

Text of Statutes and Regulations

United States Code, Title 7:

Section 1444. Cotton price support levels—Basic support levels for 1961 and subsequent years.

> "(d) (10) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing diversion payments on a fair and equitable basis under this subsection. The Secretary shall provide for the sharing of price support payments among producers on the farm on the basis of their respective shares in the cotton crop produced on the farm, or the proceeds therefrom, except that in any case in which the Secretary determines that such basis would not be fair and equitable, the Secretary shall provide for such sharing on such other basis as he may determine to be fair and equitable."

7 Code of Federal Regulations, Section 719.2(s):

> "Producer. Person who as owner, landlord, tenant or sharecropper, is entitled to share in the crops available for marketing from the farm or in the proceeds thereof . . . ."

7 Code of Federal Regulations, Section 780.2:

> "(a) 'County committee' and 'Deputy Administrator' shall have the meaning given to them under the regulations governing Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages, Part 719 of this chapter, as amended.
>
> "(b) 'Producer or participant' shall mean any person whose right to participate or receive payments, or the amount thereof, under any of the programs covered by these regulations, is affected by a determination of the county committee, State committee, or Deputy Administrator. * * *

"(c) 'Reviewing authority' shall mean the county committee, State committee, or Deputy Administrator, as appropriate.

"(d) 'State committee' shall have the meaning given to it under the regulations governing Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages, Part 719 of this chapter, as amended. * * * "

7 Code of Federal Regulations, Section 780.3:

"Any producer or participant who is dissatisfied with any determination initially made by the county committee or office, State committee, or Deputy Administrator, may obtain a reconsideration of such determination and an informal hearing in connection therewith by filing a request for reconsideration with the county committee. * * * "

7 Code of Federal Regulations, Section 780.4:

"Any producer or participant who is dissastisfied with the determination of the county committee upon its reconsideration of the initial determination made by it or the county office may obtain a review of such determination by the State committee and an informal hearing in connection therewith by filing an apppeal with the State committee."

7 Code of Federal Regulations, Section 780.5:

". . . [A]ny producer or participant who is dissatisfied with the determination of the State committee upon reconsideration of its determination or upon appeal from a determination of the county committee may obtain a review by the Deputy Administrator of such determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator."

7 Code of Federal Regulations, Section 780.9:

"The reviewing authority prior to making a determination may request the producer or participant to produce additional evidence which it may deem relevant or may develop additional evidence from other sources. Upon reconsideration or review and within program authorities, the reviewing authority may affirm, modify, or reverse any determination made by it initially or made by a lower reviewing authority, or may remand the matter to a lower reviewing authority for such further consideration as is deemed appropriate. The producer or participant shall be notified in writing of the determination. Each other person affected by the determination shall be notified in writing of the determination. Determinations made by the Deputy Administrator shall not be appealable by the producer or participant."

7 U.S.C. Section 1362:

"All acreage allotments, and the farm marketing quotas established for farms in a county or other local administrative area shall, in accordance with regulations of the Secretary, be made and kept freely available for public inspection in such county or other local administrative area. An additional copy of this information shall be kept available in the office of the county agricultural extension agent or with the chairman of the local committee. Notice of the farm marketing quota of his farm shall be mailed to the farmer.

"Notice of the farm acreage allotment established for each farm shown by the records of the county committee to be entitled to such allotment shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the date of the referendum."

7 U.S.C. Section 1363:

> "Any farmer who is dissatisfied with his farm marketing quota may, within fifteen days after mailing to him of notice as provided in section 1362 of this title, have such quota reviewed by a local review committee composed of three farmers from the same or nearby counties appointed by the Secretary. Such committee shall not include any member of the local committee which determined the farm acreage allotment, the normal yield, or the farm marketing quota for such farm. Unless application for review is made within such period, the original determination of the farm marketing quota shall be final."

7 U.S.C. Section 1365:

> "If the farmer is dissatisfied with the determination of the review committee, he may, within fifteen days after a notice of such determination is mailed to him by registered mail or by certified mail, file a bill in equity against the review committee as defendant in the United States district court, or institute proceedings for review in any court of record of the State having general jurisdiction, sitting in the county or the district in which his farm is located, for the purpose of obtaining a review of such determination. Bond shall be given in an amount and with surety satisfactory to the court to secure the United States for the costs of the proceeding. The bill of complaint in such proceeding may be served by delivering a copy thereof to any one of the members of the review committee. Thereupon the review committee shall certify and file in the court a transcript of the record upon which the determination complained of was made, together with its findings of fact."

7 U.S.C. Section 1367:

"The commencement of judicial proceedings under this part shall not, unless specifically ordered by the court, operate as a stay of the review committee's determination. Notwithstanding any other provision of law, the jurisdiction conferred by this part to review the legal validity of a determination made by a review committee pursuant to this part shall be exclusive. No court of the United States or of any State shall have jurisdiction to pass upon the legal validity of any such determination except in a proceeding under this part."

7 U.S.C. Section 2110:

"Notwithstanding any other provision of this chapter, any cotton producer against whose cotton any assessment is made and collected from him under the authority of this chapter and who is not in favor of supporting the research and promotion program as provided for herein shall have the right to demand and receive from the Cotton Board a refund of such assessment: Provided, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor."

7 U.S.C. Section 2111:

"(a) Any person subject to any order may file a written petition with the Secretary, stating that any such order or any provision of such order or any obligation imposed in connection therewith is not in

accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

"(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 2112(a) of this title."